

March 5, 2006 LTBB CLOSED SESSION RECORDING/ "CONFIDENTIAL REASONS" Tribal Council motioned on opened on April 6, 2014 to open for Public access.

The following is a transcription of a closed session for confidential reasons. The following Councilors and Office Manager will be identified as follows: Chairman Frank Ettawageshik **FE**, Office Manager Michele LaCount **ML**, Councilor Shirley Oldman, **SO**, Councilor Bea Law **BL**, Councilor Mary Roberts **MR**, Councilor Alice Yellowbank, **AY**, Councilor Fred Harrington, **FH**, Councilor Regina- Gasco Bentley, **RG**, Councilor Rita Shananaquet **RA**, Chief Financial Officer Valerie Tweedie.

"...." (inaudible)

Motion: Unknown

Recording begins at 10:02 a.m.

FE: .... Discussing on going negotiation that are at a delicate stage and I have no idea exactly where things are going to end up in it. But we're...the part of the report that I can give at this point on it is that we spent all day Thursday and Friday in Lansing, in negotiation. We worked until 10 o'clock Thursday night, and there's, issues of inter-tribal negotiations as well as negotiation between the Tribes and the State. And then we have the US Government at the table in all the negotiation and... generally they're on our side...They're part of our case I mean, it the US vs. Michigan. However; every now and then we have to have a discussion with them as well about a position and so these are what are going on. After we got done on Friday it was clear that we were not going to be able to conclude...we're looking at... There's a lawyers meeting on Thursday with the Judge it's a status hearing. The principles are not required to be there at that particular hearing, however; they're going to want to know where at in terms of the negation and so on. Friday afternoon we scheduled all day sessions on Monday, Tuesday and Wednesday in Lansing. So we will have our team down there we had to scurry to make arrangement. It will be in Lansing. And we're...what we're trying to achieve is an agreement in principal and what I wanted to do is to talk about some of the terms of that agreement in principle. And I really that's what the specific terms and things are the things that I should speak about I should closed session or in executive session. The agreement in principle would not be...have all the detail in it. That detail would be yet for in future negation and.... but if we can achieve an agreement in principle that is and have everybody's agreement before the Court. At that point we would not be going to trial. However; if we were not able to do that we will be going to trial. So if we people to understand what that...where we're at. You've been getting an update periodically. Sort of a general terms update, but we were in the middle of a meeting on Thursday or on Friday when you were in your work session so I was not able to be here to give you that up. At that point, and if I am to give it today you would need to decide if you wish to do that in executive session or not because I probably spoke about most of what I can at this point

BL: So you're recommending an Executive Session so that you can tell us the rest of the information...

FW: So I can get into the nitty-gritty of the discussion, yeah.

BL: Actually, the agenda is already set but he's requesting it within the report of the legal department. That is my understanding.

FE: Yeah. And if that's not what you would like to do I can't get into a lot more in the meeting.

MK: I guess I may question is the Executive session still applicable to this Council? I mean we have closed meetings, special meetings, executive meetings...

FE: Then I'm asking for a closed session

BL: HE's asking for a closed session. During this report and he's doing the legal report so I don't think it's adjusting the agenda, but it's LOWER PENINSULA whom and her who would like to make the motion. The legislative leader has not been making motions. If you want the information what he's saying. If you want the information he wants to tell it to us in closed session.

MK: On legal department behalf is Jim supposed to be here?

FE: Because of all the scheduling and everything going on the attorneys were having a meeting this afternoon in Lansing and so Jim will not be here. But he was scheduled to be here but there's the attorneys have been working all weekend so well have a productive meeting on Monday and various sub-groups have been working, trying to get us on the stage here.

(Mixed Conversation)

FE: I could but it's not written I'll give it to you verbally if you want it written I can do it in a confidential memo later during the day today.

BL: So what you want to tell us is something that's on going on right now.

FE: Yeah, This is current this is stuff that's the latest thing the actual overall position is currently being drafted offer the weekend for out discussion we have several other points that need to be there and I wanted to update on what we at, but at this point they...part of what I want to talk to you about is the process of where we are at and the discussions of that process between the parties.

BL: I wouldn't mind hearing that prior to the meeting then...before the fact than after the fact. Then we know if they're negotiating on.

MR: He said negotiations just stopped...that's what happened isn't it.

FE: No as a matter of fact they're engaged even more.

BL: Yeah they're trying to conclude this so it doesn't go to court.

MR: ...you have not got an agreement so you have to start all over again. So basically it's stopped over one issue.

FE: I don't believe that's a correct assumption. I mean I certainly wouldn't characterize it that way.

(Recording stopped)

FE: Ok. Let me get started. We have several occasions nearly lost our ability to maintain unity at the table. We keep getting it and then we pull it back and different tribes at different times have over the last several been ready to walk from these issues. And the latest on was Grand Traverse who has set a deadline at 5 o'clock on Friday. And it was over a particular issue that had to do with assessments, and we spent all Thursday evening and we pulled together a discussion and we all got back together and different people had different issues on what our deadline was and, what we were trying to and we've pretty much set a deadline now of the hearing on the 9<sup>th</sup> to try to have an agreement in principle. The State is also having internal discussions themselves. Each of us is made LOWER PENINSULA of several constituencies and they are all having problems at different points. Right now everyone is coming back on Monday and so we made a major breakthrough in keeping the group together for a big push on Monday, Tuesday, and Wednesday to try to get resolution. We have several issues before LOWER PENINSULA that you need to be part of these discussions at this point to know what the key issues have been.

The first issue is private lands. If we take our case to court and we win....we win that the right exists on the ceded territory this is not trust lands. Because that exists, we know it is there. This would be the ceded territories and that would be from Grand Rapids.... I mean all of the 1836 and 1855 treaty areas. The problem is the right that the right would exist but, where within that could it be exercised. We've maintained that it is exercised on land that have not be settled like State and federal lands but as an example to our own lands that we own in fee within that territory has been needed for settlement. The question is that if bought that land if it's got a State title to it all this stuff? That right would not exist on that land. I have an example:

A Tribal member owns 40 acres in Newaygo. It's in the treaty area, its woods, they live on it but they would have to hunt with a State license.

Even if we win our case, according to what we're going for the only place that that right would exist is on this large group of Lower Peninsula lands that we claim that meet the definition of not needed for settlement. That is the fundamental issue. This whole issue is to decide whether the right exists still and if it does where is it exercised? Well, in our negotiations, first of all to get to the table the State agreed that the right exists. They would agree to stipulate, permanently, that the right exists. That's what got us to the table. We agreed that we would set aside gill netting in inland lakes, which was one of their real big nightmares and commercialization of the harvest of deer and that nature. We wouldn't be market hunting, but regular hunting with our licenses during tribally permitted seasons, and sustenance and ceremonies. Over the course of the negotiation we got them to the point where they've agreed that they would concede that the right exists on private lands with permission. Not just on State Forest or Federal Lands and not just on lands that the tribe owns but on lands that tribal members own within the territory or members spouses own. Also, that the right exists on private land, as long as we have

permission of the owner. There is sort of a different series of cases. First of all during State seasons, on any private land anywhere, members with our license can hunt with our license.

BL: With our license.

FE: During with ceremonial or sustenance permits which we can issue and at this time there is no cap on the issue of how many. But, it's understood that that would be less than our general licensing on private lands, with permission, anytime of the year. This is a really big concession on our part, and we look at the statistics on what we currently take on the number of hunters. I mean cars kill way more deer than all tribal members harvests even if we doubled our harvest. We still would not even come close to the car deer fatality. So they conceded that we would have this. This is a major point. So the private lands with permission has become a big issue with the Lower Peninsula tribes because we do not own enough land and there are not as much State and Federal Lands around and if we did not have private lands with permission we would really limit of our right to exercise our rights. It's important to know that if we win this case we will not have private lands with permission. If we were to go to court we would lose that big advantage that we would have and we might win the right and but the area in which we could exercise the right could be narrowed substantially if we win the case. Now of course we could also go and lose the case to.

FH: I have a procedural issue here. Did you change the tapes or are you doing it on the same tape?

VT: That won't work.

(Recording stopped)

(Recording started)

FE: Michelle, are we ok? Anyway the issue of private lands has been a big issue for three Lower Peninsula tribes, because of the lack of large acreages to exercise our right. In the Upper Peninsula there is the Commercial Forest Lands Act (CFLA). There are millions of acres in the Upper Peninsula that are privately owned lands that are placed in a special category where they get very low taxation and those lands are open for hunts. The State has said, and this is a real hang up for us the whole thing almost dies on the one is that they were not able to authorize tribal hunting outside of State seasons on those lands. And so after a great deal of debate including the intervention of one of the...groups on our side we were able to secure that it would be treated as private lands with permission and we secure permission for about 1.5 million acres in the UP that would be able to work and that made the issue that Bay Mills and the Sault Tribe were now satisfied. So, for the Lower Peninsula, tribes private lands was a do or die thing. We had to have it or we could not reach an agreement. For the Lower Peninsula tribes it was the CFLA lands. Both of those issues appear to be near a settlement, but it is important to realize what a big settlement that particular point was is that the State has not only conceded that land that...the right would exist, but in our case on the private lands with permission. This includes on lands which are clearly settled...farmlands for instance. A lot of farms are good

hunting lands and by our argument they would be settled and we wouldn't be able to hunt them but with this agreement if we went to court and won we wouldn't win on those farm lands, but in this case we would win on the settlement. So I'm pointing out that that's one of the biggest items that we have. Then we started dealing with other issues such as bear and elk. What allocation of Bear and elk. How much effort do we currently have and how much might we want what could we do and the elk are of course planted and that is a really controlled hunt. We just made sure that a portion of that hunt would be tribal and that we settled on a number of 10%. We still have an allocation issue between the tribes that we would talk about later. It's not the ...and at this point were talking equal shares. Next in the Lower Peninsula is the bear hunting. With the bear hunting right now, there's very little effort for bear hunting but we've carved a bigger piece of it than what we currently are exercising; in fact, bigger than we would probably ever exercise. We are doing about 2% of the hunt at max right and we carved it out at 10% and there's still some discussion about that, but most of that discussion is done. We think we've reached an agreement on Bear hunting. Other issues have to do with inland fishing. And these are the two that area really contentious. And the issues here are trout fishing and walleye and it has to do ...the walleye issue had to do with how to figure out how to set a system for controlling for regulation of walleye spearing and certain types of inland net a not gill net. So we thought we had an agreement and then at the last minute on Friday they dropped the bomb in terms of a change in the wording within. We thought that things had blown up and in about 20 minutes we managed to piece it back together and we think it will work. But we had had an approach to it that was like a three Tier approach to the way of what we are going to do regulate. One was, no permits until we reached a threshold of an amount of take and then after that we would have to go to what we call the Tier 2 approaches which is prior permits and then Tier 3 approaches which is where they are in Wisconsin. In Wisconsin where they actually have to have both State and tribal officers on site on each lake at each time that anybody is exercising the right and this real intensive monitoring of harvest. At one time they wanted to go directly to that approach and that's just way beyond what the start or we could afford to do and so we set up where we would never get to that Tier 3 level and we agreed to skip that first level and what we wanted to do. Our proposal to them was to go straight to the Tier 2 approach where everything was by prior permit. There's a certain allocation between the tribes and did not have to have officers on the lake and the catch has to be reported and thus it would eliminate the need for that intensive approach that was taken in Wisconsin and because there is that experience there as you know there was a whole lot of issues. Walleye spearing was one of the biggest most contentious of the issues that caused problems you may remember those bumper stickers, "save a trout spear an Indian" I do not know if any of you saw those or not. Those were things that were going around there was a whole lot of negative things. At the table... What they call the litigating ... guys are representative by 3 different attorney's that are at the table and people who ...and they have actually been part of and endorse the various steps that we've gone through so we are nowhere near the odds that Wisconsin during the time they were doing it. We actually...we found on many occasions where they've been supporting us because of what they feel they feel is better management on our part in the State. So, the issues I wanted to

report principally were the private lands, the CFA lands. I wanted to mention the bear and elk because we were talking about that and we were talking about that. We were talking about an allocation. And the Walleye spearing, we have one place. We're actually taking walleye by spearing right now. There's one place this's being exercised that is Minnie Ha Ha creek. What...happened on Friday is that they pulled all tributaries out of the deal it is only lake spearing. We don't do lake spearing, so it would have totally eliminated anything we're doing to give us an opportunity that we aren't doing so that was bad. There's also a question of steelhead trout and spearing. Where...there's an agreement on the table between the State and the Tribes this we haven't concluded it, but once again they had purposed something that would eliminate anything we are currently we're doing. We are doing a small effort with this right now. It is unlikely that it would get huge, but the State wants to protect the resource in case we were to over exploit it because if all of our people who were going to spear descended on one spot and cleaned it out, and did that each year, It would be bad. The problem is that we would not want that either we want to be able to maintain the resource so we try to figure out a way that moves it so we can do that.

FH: ...In spearing there talking about the substance...commercial...

FE: We're not talking commercial spearing but we're talking about not just someone who goes out and spears one heads home. We're talking about someone who, during a run will go out and fill their freezer and so that's the level and were actually at this point where by prior permitting....Just like getting a deer license you have to say you are going out to do this. By getting that permit, we have a way of knowing how many people we have that are exercising their rights, and within this large area we don't believe it is a significant amount of numbers. We keep telling them that it is an insignificant and it is unlikely to ever be a significant number. But ...until I got on Tribal Council....that's the way ....and I've done it all my life.

FE: Which...one at a time or?

FH: Well, if there coming in thick then I fill up my freezer.

FE: Right and that's fine with this system ok. That is something that would work.

BE: Permit...would he have to have a permit to do.... Permit to do it

FE: Ok, basically you got to go and registers so we know who's doing it and where because each lake has a target population. It's like the great lakes where they have the total allowable catch the TAC. It has to be calculated using a model...and then calculate that

FH: We need to make sure that we report amounts of catches. ....I don't know would like to see it...But I believe that we are going to have to required people to take track...administration to require that people to ...cause the record keeping in unnecessary.

FE: Well, it is an unnecessary...

BL: I know that we have several spear fishermen within the tribe.

FH: ...Because they don't. The only thing then can keep track of, is the catch. Success is not an issue.

FE: Well, if you don't get anything....if you take nothing...

FH: If you have it to report. For that period, whether you go fishing or not.

FE: Ummm

BL: Fred you say that by virtue of having your license....

FH: But...how we keep track of all of the agreements?

FE: That's why we have an agreement in principle. The agreement in principal is the big thing and then we're going to have to sit down and hammer out and were working on minimizing the red tape involved. At the same time giving comfort level to the people ...we have to have enough comfort level to the people who are concerned about the protection of the resource and so they need to know what the take is. We keep telling them that we take better records then the State does right now. So we keep reminding them of that. Every time they turn around and tell us how to do all this stuff and we tell them that were already doing more than you are. Maybe you should to more and then we wouldn't have to do as much and then we still have just as good of numbers. But that's a give and take on that issue Fred. And so that is part of the discussion but it isn't...were typing to get there in broad strokes initially and then fill in the detail and subsequent agreement. So the biggest thing that were trying to avoid, is their Tier 3 system where you would absolutely have to a conservation officer right beside you, the whole time you are exercising you right. As soon as you got to shore would weight every single fish. We'd be doing it and that is what they do in Wisconsin and that is what we are trying to avoid completely. So were...

BL: They have Tribal conservation people and State. That's so you can verify each other's work?

FE: That's so you can verify each other's work.

BL: Oh my Heavens.

FE: So it cost both Governments a lot of money to do it plus

BL: Yeah

FE: Plus it puts a real severe constraint on the individual and...I meant it's just not what we what we want you to be ....basically as close as possible to the way Fred always done it is the way we'd like to do it. Now we obviously it's got to be there's going have to be a register and a permit that you are going to do it but that's different then just .....

BL: ....and it would require 2 people on the catch?

FE: Right.

BL: You shouldn't have to have people standing right next to you.

FE: Right

BL: Ridiculous.

FE: We came up with a plan that would take us away for that.

BL: They can still have periodic checks you know. When they know that the spear season is in they would send people out like they do now.

FE: Well we should still have to send Conservation Officers out and about to make sure that somebody's actually...

BL: yeah..

FE: Yeah, never the less that's a big issues. Now the other issue and I want to get off this because I wanted to let you know the generally just of the discussion at this point. And Fred's point about the reporting was a big part of that discussion. Next thing is Law Enforcement. We've been working on this and thought this would be a really big issue and we've had some major discussions on Law Enforcement issue and the problem we've had all the long is we need our conversation officers to be protected and safe while in the field and they cannot tell if someone is a tribal member or not a tribal member. There's no way....and even the State officers so they are going to have to ability to stop someone and ask for their identification and their license and be required to do so and while their doing it, be protected as it should be an official duty and we came up with a scheme that we think gets around the issues that were raised about cross deputation. And that is making it a regulation that if an Officer for asks you for your ID you have to show it. And the State is considering and this is a big issue right now. The stat has agreed to make changes in their regulations to require that any State licensees would be obligated to show a Tribal Officer on request. And we would need to the same in order to be protected.

BL: It will be a hot thing for the general public to accept.

FE: Well, this in an issue that is the Law Enforcement is was a big issue but all the Law Enforcement officers were quick to come to an agreement. We all said that safety of our officers in the field had to be protected, they had to be able to have that protection and that was a make or break deal. Well as it turned out that issue was a lot easier to negotiate then we thought that's where were at with it right now.

FH: ....

FE: Complete jurisdiction?

FH: We need to have them put in their regulations that the recognize that all officer....



FE: In essence that was the compromise Fred.

FH: ....

FE: Oh I don't know about that were not pulling the wool over eyes because there actually having to give Attorney General an opinion on it to make sure they do it by regulation so we are waiting right now on that point that issue is a really big stumbling block is that issue of policing. And we had a long, big debate about this. There officers being witness in our court and our officers being witness in their court and the fact that there's such a big area. Originally they wanted us to do a certain level of work but we do not have the manpower because it's such a huge number of acres. The ceded territory very huge area and each of us have just a few people and in the Upper Peninsula of the State only has one officer, for the whole eastern half of the Upper Peninsula. Anyway we came up with something that works and it's along the lines to what Fred said and I am not sure that their using that exact wording. I will mention this to Jim. Doug Craven has done an upstanding job in these negotiations. He is doing really well. John Keshick is the one they have to satisfy. He grumbles and he is very effective and he steps in and pulls things together. Doug has been for the Law enforcement side for us. Doug's been working on that and they came up with it really quite well. Now we have another big issue that's out there is a question of several other things that we are in the middle of...trying to wrap up. But Monday the fishing issue is we've got to try to close up the issues on the walleye and steelhead and we've got them working over the weekend trying to come up with that were also trying to ...so far I've done all this from memory without looking at any note. I just stumbled because there is one other point I am trying to get to. It has to do with the regulations and the assessment and what Grand Traverse had talked about. There is this big thing where they do not want to get into co-management. We have tried to stay away from that word. Everyone has agreed that we cannot say co-management. We like to say it but State can't say it but they will to accept all kinds of things of schemes that are co-management without labeling it that. That's where we been and the biggest thing has to do with assessment, non-lethal of fish and game.

BL: Non- lethal?

FE: As opposed to stunning fish, we don't go in. Some of the assessment use poison in sections of rivers and they do inventories that way. They would do things like that but in this case we have stun boats that we use. You've seen slides of them or pictures that the Tribes have put together. Anyway the question of assessments is a big on and would we have to give permission before hand. The State wanted to say you can do assessments but you can tell us what you want a year in advance and we cans say no if we want to. The tribes said we don't think so. We spend a lot of time to make sure that the head of the Department of Natural Recourses (DNR) is there. Rebecca Humphries is there during the negations. And we sent all these people off to talk and Bob..Ke...went to a room and she came up and sat down and we had a nice casual side bars and we explained why had to work on this issue and we explained why we had to have our assessments within the ceded territory we need to be able to assess our portion of the resource whatever that is. And that means that we need to be able to ...after the fish are caught were

doing assessment s on the containments' within the fish and things of this sort. We come ...after a long discussion. After you look at this agreement you may find that is that you don't understand why we could agree on that ...but after months of negation's we go to that point where it did not exist at all. We've got the State to give on the issue of assessments. And it still is a little bit more restrictive then we would like it at this point but it's really close where it is acceptable to us but then the State needed to hear. For Grand Traverse it was a bottom line issues this had to be resolved. So, sometime in the relatively near future were going to be real close to this agreement in principle and I'm hoping we have an agreement in principle by Wednesday night. It's not out of the question that we could have that agreement in principle at that point. What the agreement in principle will do is the say that the State will say that the right exists. And the State will have these broad strokes agreements in terms of where they will acknowledge where that right exists and that's on private lands with permission and that they will acknowledge the CFA will have just a general thing about bear and elk and things of this sort. But the bigger one will have an agreement on issues about the leasing and assessment, regulations and so that's where were headed. I wanted you to get a feel for what it was we were talking about and some of the discussion that were having back and forth. We agreed the 3 Lower Peninsulas tribes agreed that we would die on the sword for the Lower Peninsula for CFA we said don't agreement the whole things goes down we go to court. They agreed to hold up for us for the private lands with permission and that wasn't a big deal to them because they live in Millions of acres of woods but, it was a big deal to us so they agreed and we sort of horse agreed for those points on other types of points like that so we could agree within the 5 tribes and the Feds have been right with it all but one case and that case has been resolve and that was a jurisdiction issue that we worked through,. The State has tried really hard to come to a point where we could reach an agreement and it appeared that everyone, including the sport fishing groups, agree that we all are going to be better off with an agreement and with the agreement it looks like we're getting. Because everybody is afraid of what's going to happen if we go to court. Their afraid that we would will get judge....and he what he gives us will be something that they don't like. For instance one of the things that their concerned about is that if we don't have the private lands with permission and some of these other things that we would get if we won the case.. We would start using gill nets and things like that and the sports people and land owners would be real unhappy on that, so they are really fighting to protect what they feel is a major concession and there willing to give up these other things. The State is trying to get us to an agreement although some days it doesn't look like they are, and we have had several stumbling blocks that we looked at, where it looked like it was falling apart. The reason I said I did not agree with your assessment Rita, It I is not like we will start over..

RS: On this one issue though is the inland lakes. Walleye fishing is that still and issue?

FE: Well, the bomb went off when they pulled the tributaries.

RS: I that's what I'm taking about

FE and that was about 4:15p.m. on Friday. We all played different roles and there's a lot of theater involved in this negotiation you got to understand that., so what they will do is the Chairman will walk out and stand in the hall and everyone will get nervous because were talking. We knew that sometimes to keep our own attorneys and other attorneys a little bit nervous and then the other time we invited Rebecca to walk out with us the last time we did it. The then we did it we had the DNR and all of us out there. It made everyone nervous and when the Bomb when off with that, the biologists in particular, were really incensed and very upset because we have this delicate balance. So they pulled me in and then I had the role of going to the State and in a sidebar following this. I just went over and said, "Listen. You may have scuttled the whole thing. This is the rock that could tear the belly of the boat right now and you have to understand you do not hear from a chairman often. This is a really big issue and you got to fix it right away. This is the issues we have. The State's fisheries person, who had come up with this particular agreed to pull that that out. He was pulling that for trade in something else. The problem is that he was not there at that moment. The thing they had done is they thought we were doing the Tier 1 fishing where there were no permits. You can do no permits and do reports at the end of the year to see what happened. So because of that, he was really nervous that there could be too much effort on a particular stream and you wouldn't know about it until it was too late and it could wipe out the population in that particular stream especially the females. They would be more at risk in the tributaries rather than the lake would be too high. So the message I was able to take to the table in this, following the bomb they dropped, was that the first thing we had eliminated the Tier 1 "no permit" completely to a Tier 2 which solved this guy's nervousness about only finding out about things after the fact to some understanding at was going to happen before. As so they thought that perhaps that would help alleviate the concerns. The second one is that we did a analyst of the catch where we've been taking the fish and the catch was only 10% females. And so his thought that the female were more at risk was incorrect and that number I was given to believe the State negotiator Kelly Smith, that those 2 factors; us going to a Tier 2 with prior permitting and the fact that we had catch reports and statistics on the catch. Those two things would probably alleviate at the concern elf why they wanted to pull the tributaries out. So I think based on the discussion from him and one of the other people from the State that we were able at the end to come to a place where ...number 1 they know how scenarios it is to us. Number 2 we have statistics we have shown that one of their fears is not true and the 3 rd. one is that by moving straight to this Tier 2 in the permitting that it will stop their problem. SO based on that and based on the fact I was able to go back in additional sidebars. I was able to calm the concerns a bit about that issue....

BL: When did they take their take on how the walleye was doing the season and only 10% were female. Let me put it this way. How does it look for the tributaries?

FE: Of the take For the Walleye. My take is I think we got it fixed. I think Monday their going to come back because they were totally caught off guard that it was so important to us. They had no idea. First of all there is very little walleye spearing going on at all in Michigan and we told them upfront, they came with this big elaborate plan when they did this to us. We said man that

is over kill it is not even close to what we would be thinking about. If it because a problem lets work on it. If it is not a problem today why get to all that level. So they started out with this really complex thing and we started out with none. I think we got issue fixed, but I'll have to wait until Monday to find out.

RS: What were the tradeoffs that they had for the inland lakes and tributaries for walleye?

FE: We already had it. I mean this is the thing, they purposes that the tributaries in the lakes were part of a single system and the fish do not know the difference. They were the same fish in the inland lakes as tributary...that same fish is going to be there. None of this is great lakes, only inland and tributary use. So when we had, based on the fact that that was their original Statement. We had done this incredibly complex system that we worked out with Tier 1 Tier 2 and Tier 3 and we figured out a way between the Tribe and Tribal Conservation Commissions or committees from different tribes that are working this; to come to an agreement, between each other on how to do this. And we have finally put together after a long of discussion a plan that would work that we could present the State. When we sent it to State and they took tributaries out and made it back to the same thing. That's where that is on that issue. I think that the tributaries will be back in or at least we will be able designate tributaries to be back in, Maybe not all. But....

BL: Another question I have is the Tribe going to be able to go back and forth between other's lands.

FE: That's an allocation issue; and because the ceded territory is the ceded territory and it doesn't belong to any one tribe, we've maintained that one of the arguments is that we would be able to maintain that and go back. But, the other one is that if the Soo Tribes fishermen spend all of their effort on crooked lake, and the Minnie Ha Ha. We would hit the limit and that would be to our people who lived and here and wanted to use it and yet we wouldn't had be able because it would have reached its limit and there would be a lake somewhere off in the distance in the U.P. that we could go and exercise our right on but we would have to drive five hours to get there. So the Tribes are talking about trying to figure about how to set up some form of allocation between us and that's an issue for later actually...and all these other things first and that's part of the Chippewa Ottawa Resource Authority (CORA) and the Great Lakes Resource Committee and that's the one that I am chairing. But then there's .... that needs to be created yet, but we would be dealing with those kinds of issues there.

FH: ....Cannot understand

FE: First of all we haven't exercised gill nets and that is something that we would not be doing. So it sounds like this big blanket; we've given up this big thing. Because there several other things that we've kept. But the private land with permission is a big deal because private lands would include any land that's open to hunting during a State season with our license. So, in addition to that any private lands. We could hunt on private lands during our seasons with our permission and that would, with the permission of the landowner. Now even during State sessions you still

need permission to be on private land.. There are recreation trespass lands if you're going to go hunting on somebody's land you are supposed to have their permission.

FH: ....

FE: It includes us during State season, and then the rest of the time it would be permission. We talked a lot about this permission. The State wanted written permission and were holding out saying no verbal permission should be ok. Now anybody with any sense gets written permission anyway. As they could come back and say they did not give permission. We spent a lot of time discussing permission. What it means and the issue here is that the State for a long time said this absolute cannot happen because a person could not give you permission to use his land because he could not himself. The owner is not granting the permission the permission to hunt comes from the treaty. And were just conceding that we will ask someone permission to hunt on that land. We're conceding that point but the owner isn't the source of the right. They were claiming that the owner was the source of the right and we've got that point. The conceded on that point for our ceremonial and substance year around for permission was acceptable. The Lake Owners Land Association on each on the individual major lakes that are within the area. They're all concerned about it. They have a lot of concerns that are irrational. It isn't logical it's like the people being nervous that we're going to build a casino down on the waterfront in Cross Village because we own the land. Now it's an irrational fear it's driving allot of peoples decisions. That's what's happening with the lake owners associations and the fact they could get an agreement that there won't be gill netting on the inland lakes since they have this irrational fear that were going to do it. The fact that they got an agreement calms them down and then supports that agreement. It was a big point for the State to have that agreement and that was one if the fundamental things that got that to the table which would have not been there in the first place.

FH: ....

FE: On no. The steelhead and walleye were two issues that rose to the surface and were bigger issues. There are other issues, but for the most part there's been no disagreement. For instance we have the uniform conservation code that we've adopted between Little Traverse Bay Bands of Odawa, Little River Band of Ottawa and Grand Traverse Band of Ottawa. The State has agreed that nearly everything in them don't have a problem with. So if we talk about perch. They seem to be OK. So we already have laws and regulations that their reasonably content with, but they went if walleye and steelhead were issues. And to a lesser extent Sturgeon is an issue. Basically were would over exploiting and we feel that they were already exploiting and we wanted them to back off.

SO: Is that on Sturgeon

FE: So that's what we took to the table for negotiations. Does... any more specific questions?

FE: Doug chairs the sub-group on the land use sub-group is group that's negotiation several other issues such as the harvest of birch bark. When we had a land use meeting with the State officials and all we took Yvonne, Joe and they gave detailed explanations about harvesting birch bark from the same trees without killing them for generations. The State thought that when you tapped a maple tree you killed or weakened it to the point it would die so they took pictures of threes that had been tapped for generations and were plenty and healthy and doing just fine. That meant that they weren't as inclined to think that we couldn't do some sugar bush activity on state land and so we actually got to point where we can do. They've agreed to this. The second land use issue has to do with access to the resources and the land use has to be paying a fee to use a State park boat ramp. We maintain that we shouldn't have to use the fees to use the boat ramps to get on the lake. They're maintaining that they want us to pay State Fees for ramps and should pay the camping. We concluded that we would be fine about paying camping fees in a State Park but no fees for just camping on State Lands. You can camp on State Lands for up to 21 days. Our position has been and will continue be that we shouldn't pay for access at any boat ramps. Their position has been really strong that we have to pay for access because it is how they are funding their parks and if they do this they we are in worse trouble, we are still working that out. We do not think we shall have to pay for the access. This issue has been resolved on the Great Lakes and we don't pay to get on if we have a special permit that CORA issues. That can be used.

Closed session ended at 11:02 a.m.